

REMARKS

Claims 1-30 are pending in this application. Claims 14 and 20 have been canceled. New claims 21-30 have been added.

Specification and Claims

Minor changes have been made to the specification to place it in better form for U.S. practice.

Further, minor changes have been made to the pending claims, without affecting the scope thereof, to place them in better form for U.S. practice.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 11-12, 14-16, and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Eskilson (USP 6,345,529). This rejection is respectfully traversed.

Claim 1 has been amended to incorporate some of the limitations recited in claim 2 and all of the limitations recited in 11, and claim 11 has been canceled.

Claim 15 has been amended to incorporate some of the limitations of claim 16 and all of the limitations recited in claim 20, and claim 20 has been canceled.

Therefore, should the Examiner maintains the rejection of claims 1 and 15, Applicants believe that the next Office Action would be a non-final Office Action because no new limitation has been added to the rejected claims.

Eskilson discloses providing fuel injection system 20 with signals which cause the engine 2 to be modulated with desired torque during gear changing (col. 3, lines 54-56), and adjusting zero-torque level by studying the speed of the gearbox output shaft 36 at the time of gear disengagement. (col. 4, lines 45-48).

Eskilson, however, is silent as to (when changing an engine revolution speed of the internal combustion engine after the gear disengagement is performed with the clutch kept connected,) “actuating the auxiliary brake if the engine revolution speed of the internal combustion engine exceeds an upper limit value of a predetermined revolution speed range including a target engine revolution speed corresponding to the gear revolution speed,” as recited in claim 1. The “auxiliary brake” may include an exhaust brake disposed in an exhaust pipe of the engine (see elements 52 and 54 in Fig. 1 of the present application).

Claims 2, 3, 11-12, and 14, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

Claim 15 is allowable at least for the similar reasons as stated in the foregoing with regard claim 1.

Claims 16 and 20, variously dependent on claim 15, are allowable at least for their dependency on claim 15.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 4-14 and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eskilson (USP 6,345,529). This rejection is respectfully traversed.

Claims 4-14, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

Claims 18-20, variously dependent on claim 15, are allowable at least for their dependency on claim 15.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

New Claims

Claim 21 is allowable at least because Eskilson fails to disclose or suggest controlling a friction clutch (shown as element 4 in Fig. 1 of Eskilson) such that “said friction clutch can be automatically connected and disconnected, and the step (c) includes automatically disconnecting the friction clutch to disengage and engage the gears if gear disengagement is not executed after a command for gear disengagement is issued,” as recited in claim 1.

More specifically, Eskilson merely states, in col. 3, lines 19-22, “In this embodiment the clutch 4 is only intended to be operated manually at low vehicle speeds and when starting and stopping,” and does not disclose or suggest the foregoing feature of claim 21.

Claim 22 is allowable at least for the similar reasons as stated in the foregoing with regard to claim 21.

Claims 23, dependent on claim 1, is allowable at least for its dependency on claim 1.

Claim 24, dependent on claim 15, is allowable at least for its dependency on claim 15.

Claims 25 and 28 are allowable at least because none of the references of record discloses or suggests obtaining “a changed engine torque such that the value of the transfer torque is 0 or near 0 in accordance with a first motion equation . . . and a second motion equation . . . ,” as recited therein.

Claims 26 and 27, dependent on claim 25, are allowable at least for their dependency on claim 25.

Claims 29 and 30, dependent on claim 28, are allowable at least for their dependency on claim 28.

Application No. 10/533,448
Amendment dated February 17, 2009 (Day After Holiday)
Reply to Office Action of November 14, 2008

Docket No.: 1131-0532PUS1

A favorable determination by the Examiner and allowance of these claims is earnestly solicited.

CONCLUSION

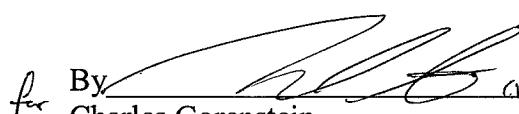
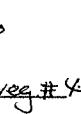
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi Reg. No. 40417 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: February 17, 2009
(Day After Holiday)

Respectfully submitted,

for 
By 
Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant